



CITY OF  
MONASH

# **Meeting Procedures Local Law No. 1**

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## MEETING PROCEDURES LOCAL LAW NO.1 OF 2017

### 1. Title

- 1.1 This Local Law may be cited as Meeting Procedures Local Law No 1.
- 1.2 The City of Monash Local Law No 1 Meeting Procedures (made pursuant to a resolution of 20 November 2007 and confirmed on 18 December 2007) is revoked.

### 2. Commencement

- 2.1 This Local Law comes into operation on 19 December 2017.
- 2.2 Unless earlier revoked this Local Law will end 10 years from the date of its final adoption by Council.

### 3. Objectives

The principal objective of this Local Law is to provide for the orderly, fair and effective conduct of Meetings, and to provide for the election of the Mayor and Deputy Mayor (if one is appointed by Council) and Chairpersons of Special Committees.

### 4. Definitions and Interpretations

- 4.1 In this Local Law, unless inconsistent with the context:

“Act” means the Local Government Act 1989.

“Advisory Committee” means a committee established by Council under section 86 of the Act which is not a Special Committee.

“Alternative Motion” means a motion moved under clause 23.

“Authorised Officer” means a person appointed under section 224 of the Act.

“Chairperson” means the:

- (a) Councillor referred to in clause 5 as taking the chair at a Meeting; or
- (b) the person appointed by Council or a Special Committee as the Chairperson of the Special Committee,

as the case requires.

“Code” means Council’s Meeting Procedures Code 2017, as amended or replaced from time to time.

“Committee” means a Special Committee and an Advisory Committee.

“Confidential Business” means business considered by Council at a Meeting that is closed to members of the public in accordance with the Act.

“Council” means Monash City Council.

“Councillor” means a Councillor of Council.

“Councillor Report” means a report submitted by a Councillor under clause 17.

“Deputy Chairperson” means:

- (a) the Councillor appointed as Deputy Mayor in clause 5; or
- (b) if no Deputy Mayor has been appointed, the Councillor appointed by resolution of Council as the acting Chairperson from time to time; or
- (c) the person appointed by Council or a Special Committee as the Deputy Chairperson of the Special Committee, if any,

as the case requires.

“Disorderly Conduct” means any of the following conduct on the part of Councillors and members of the Public Gallery:

- (a) failure to observe and act in accordance with any request, direction or order of the Chairperson relating to the conduct of the Meeting;
- (b) interjecting when another person is speaking, except, in the case of a Councillor, to raise a point of order or move a Procedural Motion;
- (c) continuing to speak after the Chairperson has called for order or silence;
- (d) making comments that are malicious, abusive or offensive;
- (e) disagreeing with or commenting on the Chairperson’s rulings or orders other than when Council has a motion of dissent before it or in the course of a Councillor making a Personal Explanation;
- (f) refusing to leave the Council Chamber when requested, ordered or directed to do so by the Chairperson in accordance with the Local Law;
- (g) making an unauthorised recording of a Meeting (in any form including audio, video and photographic); and
- (h) inciting others to engage in Disorderly Conduct.

“Division” means the formal count of those members of Council voting for or against, or abstaining from voting in respect of, a motion and the recording of that count and the way each Councillor voted in the minutes of a Meeting.

“Council Chamber” means the space or room, in its entirety, designated as the area in which a formal meeting of Council is to be conducted, inclusive of the Public Gallery.

“Meeting” means an Ordinary Meeting and a Special Meeting.

“Municipal District” means the municipal district of Council.

“Notice of Motion” means a motion of which prior notice has been given in accordance with the requirements of this Local Law.

“Officer” means a member of Council staff.

“Ordinary Meeting” means an Ordinary Meeting of Council.

“Penalty Unit” has the same meaning as in section 110 of the *Sentencing Act 1991*.

“Procedural Motion” means a motion that is described as such in the Code.

“Public Gallery” means the area set aside in the Council Chamber for the public and includes the area outside of the Council Chamber which is within sight of the Council Chamber.

“Ratepayer” means a person who is liable to pay rates to Council during the current financial year.

“Recording” means any means or method, whether written, audio, electronic, or other method, approved by Council.

“Resident” means a person who resides in the Municipal District.

“Special Committee” means a Special Committee established as such by Council under section 86 of the Act.

“Special Meeting” means a Special Meeting of Council called in accordance with section 84 of the Act.

"Substantive Motion" means a motion which is not a Procedural Motion.

“Urgent Business” means business which is admitted by Council as Urgent Business under clause 16 and which Council determines should be dealt with as a matter of urgency, having regard to:

(a) whether the business can be left until the next Ordinary Meeting; and

(b) any advice provided by the Chief Executive Officer.

4.2 Introductions to Parts, headings and notes are explanatory only and do not form part of this Local Law. They are provided to assist understanding.

## **5. Chairperson & Acting Chairperson**

5.1 The Mayor must take the chair at all Meetings at which she or he is present.

5.2 If the Mayor is unable to take the chair at a Meeting, the Deputy Mayor, if one has been appointed by Council, must take the chair.

5.3 If Council has not appointed a Deputy Mayor, or if the Deputy Mayor is unable to take the chair, a Councillor must be appointed by resolution of Council as acting Chairperson.

## **6. Failure to obtain/retain a quorum**

6.1 If, half an hour after the time for commencement of a Meeting, Council has failed to obtain a quorum, the Chairperson or, if the Chairperson is not present, the Chief Executive Officer, must adjourn the Meeting to a time and date not more than seven (7) days after the time originally appointed for the Meeting.

6.2 If, during the course of a Meeting, it becomes apparent to the Chairperson that it will not be possible to maintain a quorum because one or more of the Councillors present is prohibited from voting because of a conflict of interest in an item on the agenda, the Chairperson must adjourn that item of business until circumstances permit the matter to be dealt with by Council.

6.3 Subject to the Act, if, during the course of a Meeting, a quorum is lost, the Chairperson or, if the Chairperson is not present, the Chief Executive Officer, must adjourn the Meeting for a period of up to 30 minutes. If, after that time, a quorum

has not been regained, the Chairperson or, if the Chairperson is not present, the Chief Executive Officer, must adjourn the Meeting to a time and date not more than seven (7) days after the time originally appointed for the Meeting.

- 6.4 Upon resumption of a Meeting adjourned under this clause 6, debate will continue from the point that it was adjourned.

*Note: See additional procedures for adjourned Meetings in the Code.*

## **7. Agenda for Meetings**

- 7.1 The Chief Executive Officer must distribute the agenda for a Meeting to every Councillor no less than five (5) days before the Meeting.
- 7.2 The Chief Executive Officer may send an agenda for a Special Meeting to Councillors less than five (5) days before the Special Meeting if the Chief Executive Officer considers that, in view of the urgency of the circumstances, this should occur.
- 7.3 No Substantive Motion may be moved in respect of a matter at an Ordinary Meeting unless:
- 7.3.1 notice of that business has been given by inclusion in the agenda or any report accompanying the agenda;
  - 7.3.2 notice of that business has been included in a Notice of Motion; or
  - 7.3.3 the business has been admitted as urgent business in accordance with clause 16.

*Note: See additional procedures for Notices of Motion in the Code.*

## **8. Time limits for Meetings**

- 8.1 Meetings will not continue beyond the time prescribed by the Code.
- 8.2 If the business for a Meeting has not been concluded and no decision is made to extend the Meeting in accordance with the Code, the Meeting must be adjourned by the Chairperson to a specific time, date and place, but no later than seven (7) days after the date on which the Meeting was adjourned.
- 8.3 The Chief Executive Officer must give notice to each Councillor of the adjourned Meeting in accordance with the Code.

*Note: See additional procedures for adjourned Meetings and time limits for Meetings in the Code.*

## **9. Adjournments of Meetings**

- 9.1 In addition to any other method of adjournment provided in this Local Law, a Meeting may be adjourned by resolution.
- 9.2 If a Meeting is adjourned by resolution under clause 9.1, the resolution must provide for the Meeting to reconvene at a date and time not more than seven (7) days from the date of the adjournment.
- 9.3 Any resolution to adjourn a Meeting must include the time, date and location of the resumption of the Meeting.
- 9.4 If the Chairperson is of the opinion that disorder in the Council Chamber (including but not limited to the Public Gallery) makes it desirable to adjourn the Meeting, she

or he may adjourn the Meeting to a later time on the same day or to some later day as she or he thinks proper, but not later than seven (7) days from the date on which the Meeting is adjourned.

Note: See additional procedures for adjourned Meetings in the Code.

## **10. Order of business**

The order of business for an Ordinary Meeting will be as prescribed by the Code.

## **11. Disclosure of interests and conflicts of interest**

A Councillor who has a conflict of interest in a matter on the agenda for a Meeting must disclose that conflict of interest and comply with their remaining obligations under the Act.

## **12. Confirmation of minutes**

12.1 The minutes of the preceding Meeting must be dealt with in accordance with the Code.

12.2 No discussion is permitted on the minutes except as to their accuracy as a record of proceedings.

Note: See additional procedures for minutes of Meetings in the Code.

## **13. Petitions, joint letters and memorials**

13.1 If a petition, joint letter or memorial is presented to Council a Procedural Motion may be moved to receive the petition, joint letter or memorial and to ensure that the issues raised in it are considered at the appropriate time by:

13.1.1 Council; or

13.1.2 an Officer who has been, or is, delegated the power to consider the issues.

13.2 No Substantive Motion will be moved in respect of a petition, joint letter or memorial until the next Meeting after the Meeting at which the petition, joint letter or memorial is received by Council.

Note: See additional procedures for Procedural Motions in the Code.

## **14. Public question time**

14.1 Council will provide an opportunity for members of the public to ask questions at every Ordinary Meeting.

14.2 Questions will be submitted and addressed in accordance with the procedure prescribed by the Code and at all times in the order in which they are submitted.

14.3 The Mayor retains discretion to accept or reject any question and, in exercising that discretion, will consider whether a question:

14.3.1 relates to a matter beyond the power of Council;

14.3.2 is defamatory, malicious, abusive or objectionable in language or substance;



- 14.3.3 relates to the personal views or actions of an individual Councillor or Officer;
  - 14.3.4 relates to a matter which would prejudice the Council or any person;
  - 14.3.5 repeats a question already answered at the Ordinary Meeting, or the previous Ordinary Meeting;
  - 14.3.6 is in the nature of a statement, comment or opinion; or
  - 14.3.7 relates to any matter which would otherwise be considered by Council in a meeting that is closed to the public under section 89(2) of the Act.
- 14.4 The text of each question asked and a summary response will be recorded in the minutes of the Meeting.
- 14.5 All questions not dealt with due to time constraints shall be responded to by an Officer, in writing, within seven working days of the relevant Ordinary Meeting. If a response cannot be provided in this time, an Officer will advise the questioner of the expected timeframe for a response to be provided. Where an email address is supplied, the response will be provided via email.
- 14.6 Subject to clause 14.7, a Councillor or Officer may:
- 14.6.1 seek that the question be put on notice until the next Ordinary Meeting, at which time the question will be answered; or
  - 14.6.2 elect to submit a written answer to the person asking the question.
- 14.7 A Councillor or Officer may advise the Chairperson that, in his or her opinion and for specified reasons, the answer to a question should be given in a Meeting closed to members of the public. Unless Council resolves to the contrary, the answer must be deferred until the Meeting at which the answer is to be given is closed to members of the public.
- 14.8 A question is not to be read unless the:
- 14.8.1 person who submitted it is in the Public Gallery at the time; or
  - 14.8.2 Mayor, in her or his absolute discretion, permits the question to be read by a representative of the person, which representative is in the Public Gallery at the time.

Note: See additional procedures for public question time in the Code.

## **15. Notices of Motion**

- 15.1 A Councillor must not propose a Substantive Motion during a Council Meeting unless it is contained in a Notice of Motion submitted in accordance with this clause and included on the agenda for that Meeting, or is otherwise provided for in this Local Law.
- 15.2 A Notice of Motion must be in writing, dated and submitted by the Councillor intending to move it.
- 15.3 A Notice of Motion must be given to the Chief Executive Officer, or another officer nominated by the Chief Executive Officer for that purpose, in accordance with the Code.

- 15.4 Subject to clause 15.5, the Chief Executive Officer must list on the agenda for the next Ordinary Meeting the Notices of Motion that have been submitted in accordance with this clause and the Code in the order that they are received.
- 15.5 The Chief Executive Officer may designate a Notice of Motion submitted under this clause 15 as confidential if she or he is of the opinion that it is:
- 15.5.1 malicious, abusive or objectionable in language or substance;
  - 15.5.2 may expose Council to an action in defamation; or
  - 15.5.3 otherwise concerns matters that ought to be considered in a Meeting that is closed to the public.
- 15.6 Once submitted to the Chief Executive Officer, a Notice of Motion cannot be withdrawn unless, before noon on the day on which the relevant agenda is to be distributed, the Councillor who lodged the Notice of Motion advises the Chief Executive Officer that it is to be withdrawn.
- 15.7 If a Councillor who has submitted a Notice of Motion is absent from the Meeting, or fails to move the motion when called upon by the Chairperson, any other Councillor may move the motion or may move to defer consideration of it.
- 15.8 Except with leave of Council, Notices of Motion must be moved in the order in which they are received and listed on the agenda.
- 15.9 If a Notice of Motion is not moved or deferred when it comes before the Meeting, it lapses and will be treated as being lost for the purposes of clause 15.10.
- 15.10 Unless Council resolves to defer a Notice of Motion for consideration at a subsequent Meeting, a motion that is similar to a Notice of Motion that has been lost must not be put before Council until at least three (3) Meetings have been held since the Meeting at which it was lost, unless Council resolves to consider such a motion sooner.
- 15.11 In addition to this clause 15, a Councillor submitting a Notice of Motion must comply with the Code.

Note: See additional procedures for Notices of Motion in the Code.

## **16. Urgent Business**

- 16.1 No Substantive Motion must be accepted by the Chairperson on any matter that does not appear on the agenda or a report accompanying the agenda unless it concerns an item that is determined by Council to be an item of Urgent Business.
- 16.2 To deal with an item of Urgent Business, Council must pass a motion to admit the item as an item of Urgent Business when the Meeting moves to 'urgent business' in the order of business.
- 16.3 In moving a motion for admission of an item as Urgent Business, a Councillor must be allowed sufficient time to briefly explain why the matter should be dealt with immediately.
- 16.4 A motion dealt with under Urgent Business must be in writing and made available to all Councillors.

Note: See additional procedures for Procedural Motions in the Code.

## **17. Councillors' Reports**

- 17.1 A Councillor who has been appointed to an Advisory Committee or a Special Committee or a body external to Council may submit a Councillor Report from time to time on the operations, findings and decisions of that Advisory Committee or Special Committee or body external to Council.
- 17.2 Any Councillor may report on their attendance at, or participation in, a civic or community event.
- 17.3 A Councillor Report under clause 17.1 or 17.2 may be verbal or written.
- 17.4 At the discretion of the Chairperson, other Councillors appointed to an Advisory Committee, Special Committee or body external to Council may provide additional information at the time of the Councillor Report.
- 17.5 While questions may be asked on matters raised in a Councillor Report, no debate on these matters will be permitted.
- 17.6 A Councillor cannot, under clause 17.1, report on any matter that has, at the Meeting, already been the subject of a written report from an Advisory Committee or a Special Committee.

Note: See additional procedures for Councillors' Reports in the Code.

## **18. Personal explanations**

- 18.1 A Councillor may, at the time allocated in the agenda or at another time determined by the Chairperson, make a brief personal explanation in respect of any statement (whether made at a Meeting or not) affecting the Councillor in their role as a Councillor.
- 18.2 The Chairperson may direct that a personal explanation commenced during a debate be deferred to another time during the Meeting if the personal explanation is, in the opinion of the Chairperson, irrelevant, or insufficiently relevant, to the debate.
- 18.3 A personal explanation must not be debated.

Note: See additional procedures for personal explanations in the Code.

## **19. Confidential Business**

- 19.1 No business can be transacted as Confidential Business unless Council first resolves to close the Meeting to members of the public in accordance with the Act.
- 19.2 If, following the conclusion of Confidential Business, Council so resolves, the Meeting will again be open to members of the public.

## **20. Motions**

- 20.1 Motions must:
  - 20.1.1 be clear and unambiguous;
  - 20.1.2 not be defamatory, malicious, abusive or objectionable in language or substance;
  - 20.1.3 not be outside Council's power; and

- 20.1.4 in the case of an Alternative Motion, be directly relevant to the item of business in respect of which it is moved.
- 20.2 The Chairperson must reject any motion that does not comply with clause 20.1.
- 20.3 The Chairperson may require motions to be put in writing.
- 20.4 Unless resolved otherwise by Council, printed motions previously circulated to Councillors need not be read out in full.
- 20.5 Procedural Motions must not be debated, unless otherwise provided for in the Code.
- 20.6 A Procedural Motion takes precedence over any other process at a Meeting, other than a point of order.

Note: See additional procedures for Procedural Motions in the Code.

## **21. Procedure for moving a motion**

- 21.1 Once a motion is moved, the Chairperson must call for a seconder.
- 21.2 If there is no seconder the motion lapses.
- 21.3 The mover and the seconder have a right to speak first and second respectively, but may elect to speak at a later point during debate on the motion instead.
- 21.4 The Chairperson will call on any other Councillor who wishes to speak on the motion to do so. Unless, as a result of a Procedural Motion, it is resolved otherwise, the motion must not be put to the vote until all Councillors wishing to speak on the motion have done so.
- 21.5 Subject to clauses 21.6, 21.9 and 26.6, a Councillor may speak only once on the motion.
- 21.6 The mover of the motion has a right of reply.
- 21.7 If the mover of the motion has exercised the right of reply, the motion must immediately be put to the Meeting for a decision.
- 21.8 The mover of a motion must not introduce new material when exercising any right of reply.
- 21.9 A Councillor may, as a result of a Procedural Motion, be permitted to speak more than once on a motion.
- 21.10 A Councillor calling the attention of the Chairperson to a point of order is not regarded as speaking to a motion or the amendment.
- 21.11 No motion, once moved and seconded, may be withdrawn without the consent of the Meeting.

Note: See additional procedures for Procedural Motions in the Code.

## **22. Amendments to a motion**

- 22.1 An amendment to a motion before Council must relate to the specific words to be deleted, altered or inserted.
- 22.2 An amendment cannot be a direct negative of a motion.

- 22.3 The Chairperson will seek permission from the mover and the seconder in the first instance, and then Council as a whole, for any proposed amendment.
- 22.4 If no Councillor objects under clause 22.3 the motion before Council will be amended without the need to proceed with a formal amendment motion.
- 22.5 If one or more Councillors objects under clause 22.3 the formal amendment process detailed in the rest of this clause 22 will apply.
- 22.6 Except with the consent of Council, only a Councillor who has not moved or seconded the original motion may move or second an amendment.
- 22.7 Except with the consent of Council, a Councillor may only move one amendment per agenda item.
- 22.8 Amendments must be dealt with one at a time and in the order received by the Chairperson.
- 22.9 An amendment must not be considered until any previous amendment has been decided upon.
- 22.10 No amendment may be withdrawn without the consent of Council.
- 22.11 A Councillor may speak once on any amendment whether or not they have spoken to the motion.
- 22.12 There is no right of reply for the mover of an amendment.
- 22.13 Prior to an amendment being put to the vote the Chairperson may read out the amendment to assist all Councillors in understanding its effect.
- 22.14 Where practicable, amendments must be in writing.
- 22.15 Where an amendment is carried, the motion as amended then becomes the Substantive Motion to be considered.
- 22.16 The amended Substantive Motion must, subject to this Local Law, continue to be debated until resolution.

### **23. Alternative Motions**

- 23.1 Notwithstanding any other clause of this Local Law, the initial motion for debate on a matter that is the subject of a report is the recommendation in that report.
- 23.2 If there is:
- 23.2.1 no mover or seconder for the motion; or
  - 23.2.2 an error in the recommendation in the report, as advised by the Chief Executive Officer,
- any Councillor may immediately move an Alternative Motion.
- 23.3 A Councillor may also foreshadow her or his intention to move an Alternative Motion:
- 23.3.1 immediately upon Council moving to the relevant item of business; and
  - 23.3.2 at any other time during debate on the relevant item of business.

- 23.4 A motion foreshadowed under clause 23.3 is not to be recorded in the minutes of the Meeting.
- 23.5 A motion foreshadowed under clause 23.3 may then be moved if the initial motion, or any subsequent Alternative Motion is:
- 23.5.1 not moved or seconded; or
- 23.5.2 moved, seconded and lost.
- 23.6 An Alternative Motion must be directly relevant to the subject matter of the item of business in respect of which it is moved.
- 23.7 Nothing in this clause 23 applies in respect of Notices of Motion.

## **24. Conduct of debate**

- 24.1 Councillors must address each other by their official titles.
- 24.2 A Councillor must address the Chairperson to move a motion, amendment or take part in debate, unless granted dispensation by the Chairperson.
- 24.3 Once acknowledged by the Chairperson, the Councillor has the floor and must not be interrupted unless called to order or clauses 24.6 and 24.7 apply.
- 24.4 If there is competition for the right to speak, the Chairperson must determine the order in which Councillors will be heard.
- 24.5 A Councillor must not digress from the subject of the matter being debated.
- 24.6 A Councillor must not be interrupted except:
- 24.6.1 by the Chairperson;
- 24.6.2 upon a point of order being raised; or
- 24.6.3 by the moving of a Procedural Motion.
- 24.7 If a Councillor is interrupted under clause 24.6 that Councillor must remain silent until the Chairperson has ceased speaking or the point of order or Procedural Motion has been disposed of.
- 24.8 A Councillor who has been requested by the Chairperson to resume his or her seat must comply with that request.

Note: See additional procedures for addressing the Meeting and for Procedural Motions in the Code.

## **25. Participation by the Chairperson in debate**

- 25.1 The Chairperson may address a Meeting upon any issue under consideration.
- 25.2 If the Chairperson participates in a debate before Council, all of the provisions in this Local Law concerning the conduct of the debate apply to the Chairperson.
- 25.3 The Chairperson may vacate the chair for the duration of any item under discussion whereupon the Deputy Chairperson or, if there is no Deputy Chairperson, a temporary Chairperson, will take the chair.

## **26. Adjournment of debate on a motion**

- 26.1 Debate on a motion may be adjourned by resolution following a Procedural Motion being moved.
- 26.2 A Procedural Motion to adjourn debate must include an appropriate date and time (including the option of a date after some specified event has occurred) at which the debate shall resume, unless the Procedural Motion is to adjourn debate indefinitely.
- 26.3 A Procedural Motion to adjourn debate must also include the reasons for seeking the adjournment.
- 26.4 All other business before Council, except for questions relating to the proposed adjournment, is suspended until the Procedural Motion to adjourn debate is decided upon.
- 26.5 Upon resumption of debate on the motion, debate will continue from the point that it was adjourned.
- 26.6 Notwithstanding clause 21.5, upon resumption of debate on the motion, the Chairperson may determine that, because of the length of the period for which the motion was adjourned, all Councillors should be permitted to debate the motion, regardless of which Councillors had previously debated it.

Note: See additional procedures for Procedural Motions in the Code.

## **27. Points of order**

- 27.1 A point of order may be taken in the circumstances specified in the Code.
- 27.2 The Councillor making the point of order must nominate the ground under the Code relied upon to support the point of order being taken.
- 27.3 If called to order, the Councillor called to order must resume her or his seat and remain silent until the point of order is decided upon, unless otherwise directed by the Chairperson to provide an explanation.
- 27.4 The Chairperson may adjourn the Meeting to consider a point of order.
- 27.5 A point of order takes precedence over any other process at a Meeting and all other matters before Council are suspended until the point of order is determined.
- 27.6 The Chairperson when ruling on a point of order must state the reasons for the ruling.
- 27.7 The Chairperson shall be the final arbiter on all points of order unless Council resolves to dissent from the Chairperson's ruling under clause 28.
- 27.8 A Councillor stating a difference of opinion will not be considered to be taking a point of order.

Note: See additional procedures for points of order in the Code.

## **28. Dissent from the Chairperson's ruling**

- 28.1 A Councillor may move that the Meeting disagree with a ruling by the Chairperson by moving:  
  
"That the Chairperson's ruling be dissented from".

- 28.2 The Chairperson must invite the mover to state the reason for his or her dissent and the Chairperson may then reply.
- 28.3 The Chairperson must put the motion in the following form:  
“That the Chairperson’s ruling be dissented from”.
- 28.4 If the vote is in the negative, the Meeting proceeds.
- 28.5 If the vote is in the affirmative, the Chairperson must reverse or vary (as the case may be) her or his ruling and proceed.
- 28.6 The defeat of the Chairperson’s ruling is in no way a motion of censure or no-confidence in the Chairperson, and should not be so regarded by the Meeting.

## **29. Questions to Councillors and Officers**

- 29.1 At an appropriate time during a debate, the Chairperson may allow questions from Councillors in relation to the matter before the Meeting for decision.
- 29.2 Questions should not be raised during the address of another Councillor.
- 29.3 At any time during their address on a matter before Council, a Councillor may ask a question of an Officer on that matter.
- 29.4 Should such questions become excessive, or irrelevant to the matter before Council, the Chairperson may determine that the questions not be dealt with.
- 29.5 All questions must be directed through the Chairperson.
- 29.6 Questions must be succinct, precise and relevant to the matter before Council.

## **30. Voting**

- 30.1 Each Councillor present at a Meeting who is entitled to vote:
- 30.1.1 is entitled to one vote;
  - 30.1.2 exercises that vote by show of hands; and
  - 30.1.3 may exercise that vote when called upon the Chairperson to do so.
- 30.2 A motion is carried or lost on the majority vote of Councillors present.
- 30.3 Subject to the Act, if there is an equality of votes the Chairperson will have a second and casting vote.
- 30.4 There shall be no discussion on the vote once the result has been declared by the Chairperson except that a Councillor may request:
- 30.4.1 to have their opposition to the resolution recorded in the minutes; or
  - 30.4.2 a Division.

## **31. Opposition to the resolution**

- 31.1 A Councillor may, once the result on a vote has been declared by the Chairperson, request that their opposition to the resolution be recorded in the minutes.



31.2 The Chief Executive Officer must record that opposition when requested.

### **32. Divisions**

32.1 Subject to clause 44.5, a Division may be requested by any Councillor on any matter immediately after the vote is taken.

32.2 If a Division is called for by a Councillor, the vote must be taken by Councillors voting in the affirmative first holding up their hands, then those voting in the negative holding up their hands and then those abstaining from voting holding up their hands. The Chairperson must declare the result.

32.3 The Chairperson must announce which Councillors voted in the affirmative, which voted in the negative and those who have abstained.

32.4 The Chief Executive Officer must record in the minutes the names of Councillors and whether they voted for or against the motion or abstained from voting.

### **33. Revocation and amendment of previous resolutions**

A Notice of Motion to revoke or amend a previous resolution:

33.1 must be signed by a majority of Councillors;

33.2 must be given to the Chief Executive Officer within fourteen (14) days of the Meeting at which the resolution was carried; and

33.3 is deemed withdrawn if not moved at the next Meeting at which such business may be transacted.

Note: See additional procedures for Notices of Motion in the Code.

### **34. Demand documents**

34.1 Any Councillor may, as of right, demand at a Meeting the production of any of the documents of Council relevant to the matter under discussion.

34.2 The Chief Executive Officer will cause those documents to be provided to all Councillors unless she or he determines that they are irrelevant to the matter.

34.3 Council may resolve to adjourn debate of the matter until after the documents have been provided.

### **35. Procedure generally**

The conduct of Meetings will be:

35.1 in accordance with this Local Law;

35.2 in accordance with the Code; and

35.3 otherwise at the discretion of Council.

### **36. Suspension of standing orders**

36.1 To facilitate the business of a Meeting, Council may, by resolution, suspend standing orders.

- 36.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council.
- 36.3 No motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, other than a motion to resume standing orders.

### **37. Recording of Meetings**

- 37.1 Unless Council resolves otherwise, the proceedings of a Meeting will be recorded by the Chief Executive Officer (or other person authorised by the Chief Executive Officer for that purpose).
- 37.2 All recordings will be made on suitable recording equipment.
- 37.3 Subject to clause 37.1, a person must not operate audiotape or other recording equipment at any Meeting without first obtaining the consent of the Chairperson. Such consent may at any time during the course of the Meeting be revoked by the Chairperson or by resolution of Council.

Note: See additional procedures for recording of meetings in the Code.

### **38. Incorporation of the Code**

The Code is incorporated into this Local Law by reference.

### **39. Application to Special Committees**

The provisions of this Local Law apply to any meeting of a Special Committee, with all necessary adaptations.

### **40. Offences**

40.1 It is an offence for:

40.1.1 any person to engage in Disorderly Conduct after being directed by the Chairperson to cease Disorderly Conduct once at the same Meeting;

Penalty: 5 penalty units

40.1.2 a person to inscribe upon a petition a name or signature purporting to be the name or signature of another person;

Penalty: 5 Penalty Units

40.1.3 any person to operate audio and/or visual recording equipment at a Meeting other than in accordance with clause 37;

Penalty: 5 Penalty Units

40.1.4 any person (other than a Councillor) to fail to comply with a direction of the Chairperson issued under clause 42.1 to leave the Council Chamber;

Penalty: 5 Penalty Units

40.1.5 a Councillor to fail to comply with a resolution of Council made under clause 42.3 that the Councillor leave the Council Chamber; and

Penalty: 5 Penalty Units

40.1.6 any person to fail to comply with a direction of the Chairperson in relation to the conduct of the Meeting and the maintenance of order.

Penalty: 5 Penalty Units

## **41. Enforcement**

41.1 Where a person, including a Councillor, engages in conduct constituting an offence, Council may resolve to:

41.1.1 issue the person with an infringement notice in accordance with the *Infringements Act 2006*; or

41.1.2 commence a prosecution against the person.

41.2 A Councillor moves a motion that an infringement is issued or a prosecution is commenced by moving:

“That an infringement is issued to / a prosecution is commenced against [...]”.

41.3 Where the person the subject of the motion moved under clause 41.2 is a Councillor, the Chairperson must invite the mover to state the reason for the motion and the Councillor the subject of the motion may then reply.

41.4 The Chairperson must then put the motion in the following form:

“That an infringement is issued to / a prosecution is commenced against [...]”.

41.5 Where a person other than a Councillor commits an offence, an Authorised Officer may issue an infringement notice in accordance with the *Infringements Act 2006*, even if no resolution is made under clause 41.1.

41.6 The penalty for an infringement notice issued under clause 41.1.1 or 41.5 is two Penalty Units.

## **42. Removal from Council Chamber**

42.1 The Chairperson may order any person (other than a Councillor) who has, during a Meeting, engaged in Disorderly Conduct to leave the Council Chamber for the remainder of the Meeting.

42.2 A person to whom an order is directed under clause 42.1 must comply with that order.

42.3 Council may resolve that a Councillor who has, during a Meeting, engaged in Disorderly Conduct, be ordered to leave the Council Chamber for the remainder of the Meeting.

42.4 A Councillor moves a motion that another Councillor be ordered to leave the Council Chamber for the remainder of the Meeting by moving:

“That Cr [...] be ordered to leave the Council Chamber for the remainder of the Meeting”.

42.5 The Chairperson must invite the mover to state the reason for the motion and the Councillor the subject of the motion may then reply.

42.6 The Chairperson must then put the motion in the following form:

“That Cr [...] be ordered to leave the Council Chamber for the remainder of the Meeting”.

- 42.7 The Chairperson may ask any Authorised Officer or member of the police force to remove from the Council Chamber any person who, by reason of clause 42.2 or 42.3, is obliged to leave the Council Chamber.

Note: See additional procedures for Procedural Motions in the Code.

### **43. Infringement Notices Generally**

- 43.1 As an alternative to prosecution for an offence, a person may be served with an infringement notice.
- 43.2 The penalty fixed for an infringement notice is one Penalty Unit.

### **44. Election of Mayor and Deputy Mayor**

- 44.1 The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.
- 44.2 The election of the Mayor must be carried out by a show of hands.
- 44.3 The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and preside until the meeting elects a Mayor.
- 44.4 The procedure for the election of the Mayor is as follows:
- 44.4.1 the Chief Executive Officer must invite nominations for the office of Mayor. If there is only one nomination, the candidate nominated is deemed to be elected;
  - 44.4.2 if there is more than one nomination, a vote of the Councillors present at the meeting will be held;
  - 44.4.3 in the event of a candidate receiving a majority of the votes, that candidate is declared to have been elected;
  - 44.4.4 in the event that no candidate receives a majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. A further vote of the Councillors present at the meeting will be held;
  - 44.4.5 if one of the remaining candidates receives a majority of the votes, she or he is duly elected. If none of the remaining candidates receives a majority of the votes, the process of declaring the candidate with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives a majority of the votes. That candidate must then be declared to have been duly elected;
  - 44.4.6 in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the declaration will be determined by lot;
  - 44.4.7 if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
    - (a) each candidate will draw one lot;

- (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names;
  - (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle and the word "Defeated" shall be written on one of the pieces of paper;
  - (d) the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates); and
- 44.4.8 the process under clause 44.4.7 will be repeated until there are no more than two candidates left, in which case, if there is an equality of votes, the word "Elected" will be written on one of the pieces of paper and the candidate who draws that piece of paper is declared to be elected.
- 44.5 If the defeated candidate in any round of voting is determined by lot, a Division cannot be called for or acted upon relating to that round of voting or the conduct of the lot.
- 44.6 The procedure used for the election of Mayor will be used to elect:
  - 44.6.1 a Deputy Mayor, if the Council determines that the position of Deputy Mayor is required;
  - 44.6.2 an acting Chairperson if the Mayor and Deputy Mayor (if there is one) are unable to attend a Meeting; and
  - 44.6.3 Committee Chairpersons (if not already appointed by Council).
- 44.7 The Chief Executive Officer or an Officer that he or she appoints for the purpose will conduct the elections set out above.